

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

WILLIAM M. TRUSSELL,

Plaintiff,

v.

**COMMISSIONER OF THE,
SOCIAL SECURITY ADMINISTRATION,**

Defendant.

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Civil Action No. **3:10-CV-2169-L (BF)**

ORDER

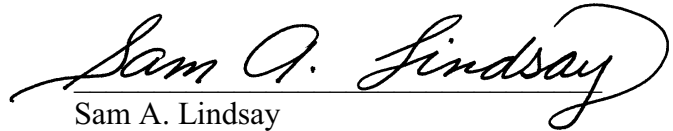
Plaintiff William M. Trussell (“Trussell”) filed this appeal on October 28, 2010, from the decision of the Commissioner of the Social Security Administration (“Commissioner”) denying his claim for Disability Insurance Benefits (“DIB”) under Title II of the Social Security Act. The case was referred to Magistrate Judge Paul D. Stickney, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on February 14, 2012. No objections to the Report were filed.

The Commissioner denied Trussell’s Title II application initially and again upon reconsideration. Subsequently, at a hearing on March 27, 2009, before an Administrative Law Judge (“ALJ”), Trussell presented the testimony of a medical and vocational expert. Trussell contends and that the ALJ erred by failing to consider his treating physicians’ medical source opinion. The magistrate judge agreed and concluded that because the Commissioner failed to consider the medical source opinions of Trussell’s treating sources, the final decision of the Commissioner should be reversed and remanded for reconsideration. Based on review of the record, the magistrate judge

concluded that it is possible that the ALJ would have considered or assigned greater weight to the opinions if he had evaluated them according to the rules set out in 20 C.F.R. §§ 404.1527 and 416.927.

After a review of the pleadings, file, record, applicable law, and the magistrate judge's findings and conclusions, the court determines that the magistrate judge's findings and conclusions are correct, and accepts them as those of the court. Accordingly, the Commissioner's decision is **reversed**, and this case is **remanded** for reconsideration.

It is so ordered this 5th day of March, 2012.


Sam A. Lindsay
United States District Judge